



PATENT

Attorney Docket No.: 2003-IP-011866 U1 USA

IPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Paul D. Ringgenberg
Serial No.: 10/790,908
Filed: March 2, 2004
Entitled: DISTRIBUTED TEMPERATURE
SENSING IN DEEP WATER SUBSEA
TREE COMPLETIONS
Group Art Unit: 2883
Examiner: C. Peng

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

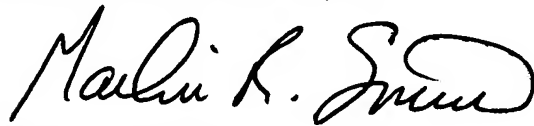
Responsive to the November 17, 2005 requirement for restriction in the above-identified patent application, the applicant hereby provisionally elects, with traverse, the Group II Claims 27-50 for continued prosecution in the application, and acknowledges the temporary withdrawal from consideration of the Group I Claims 1-28 and 51-57.

Since the elected claims do not include the claims 1-9, 11-28 or 51-57 identified by the examiner as being species, it is considered that an election of species is not required. However, the applicant respectfully traverses the requirement for election of species. As the MPEP clearly states in §806.04(e), claims are never species. Instead, species are always the specifically different embodiments. In the present case, only a single embodiment is described and claimed.

As stated in MPEP §806.04(f), claims to be restricted to different species must be mutually exclusive. The examiner appears to imply in the requirement for election of species that merely because the claims recite different features, they are different species. If that were true, then every claim would be a different species, because no two

claims recite the exact same combination of features. Instead, claims to be restricted to different species must be mutually exclusive. In the present case, the examiner states that the feature of connecting two optical fiber sections to each other in the well defines a separate species from the feature of disconnecting two assemblies in the well, which also defines a separate species from the feature of gravel packing the assembly in the wellbore. These features are not mutually exclusive. Instead, all of these features are described in the specification as being provided in a single embodiment. For at least the above reasons, the examiner is respectfully requested to withdraw the requirement for election of species.

Respectfully submitted,
KONNEKER & SMITH, P.C.



Marlin R. Smith
Attorney for Applicants
Registration No. 38,310

Dated: December 1, 2005

660 North Central Expressway
Suite 230
Plano, Texas 75074
(972) 516-0030

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,

on DEC. 1, 2005
